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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,158	03/24/2005	Peter John Dominey	1849021US1ANP	2094
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EXAMINER				
KO, STEPHEN K				
ART UNIT		PAPER NUMBER		
1792				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,158

Applicant(s)

DOMINEY, PETER JOHN

Examiner

STEPHEN KO

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03/24/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The object to the drawing is withdrawn in view of applicant amendments to the specification.

Specification

2. The objection to the specification is withdrawn in view of applicant amendments to the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 10, limitation "the housing further includes an oversized end projection that fits over the vent opening thereby securing the plug in position until a pressure build-up within housing cause the plug to be released" is not found in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "oversize" in claim 10 is a relative term which renders the claim indefinite. The term "oversized" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not clear about the boundary of the term "oversized".

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al (US 4,765,354) in view of Bannan (US 4,982,471) in further view of Yates (US 6,550,489) and Egan (2002/0166866).

Thatcher et al teach a paint roller cleaner comprising a container (read as housing, Fig.1, #11, col.3, L.42) having an cylindrical open end (read as opening, Fig.1, #14, col.3, L.44) adapted to receive a paint roller. The container is very close fit around a paint roller, which is fully capable for removing paint therefrom (Fig.1). The paint roller cleaner also has an L-shaped detent slot (read as external locking means, Fig.2, #15, col.3, L.50) for locking in place the handle portion of an applicator (read as paint roller, Fig.1, #17, col3, L.54) in the container (read as housing, Fig.1, #11, col.3, L.42),

whereby a pressurized solvent fluid (read as cleaning fluid, col.4, L.13-14) may be introduced into the container (read as housing, Fig.1, #11, col.3, L.42; col.4, L.12-15).

Thatcher et al do not teach a paint roller cleaner comprising an outer flange portion for removing paint from the paint roller.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Thatcher et al by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller.

Both Thatcher et al and Bannan do not teach a paint roller cleaner further includes a pressure relief means.

Yates teaches a water parts washing apparatus recirculating a water/detergent solution and spraying same onto an object to be cleaned comprising a cleaning chamber (Fig.1 and Fig.2, #18, col.4, L.15-16) and a vent that act in a manner similar to the function of a pressure relief valve (read as pressure relief means, Fig.2, #32, col.5, L.9-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Thatcher et al and Bannan by adding a pressure relief valve in order to release pressure within the chamber.

Thatcher et al, Bannan, and Yates do not teach the pressure relief means includes a vent opening closed by a plug.

Egan teaches a low pressure venting valve comprising a cask (read as vent opening, Fig.3A, #30, end of paragraph [0023]) closed by a plug (Fig.3A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pressure relief valve of Yates as mentioned in Egan to obtain ease for cleaning, inserting and removing (Egan, paragraph [0008]).

For claim 2, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a hook designed to lock around and restrain the handle of the paint roller (Thatcher et al, Fig.2, #15, col.3, L.50-54).

For claim 3, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is located close to the open end (Thatcher et al, read as opening, Fig.1, #14, col.3, L.44) of the container (Thatcher et al, read as housing, Fig.1, #11, col.3, L.42) in which the paint roller is received.

For claim 5, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a snap fit locking means.

For claim 6, Thatcher et al, Yates and Egan do not teach a paint roller cleaner comprising an outer flange portion positioned perpendicular to the axis of the container (read as housing, Fig.1, #11, col.3, L.42) for removing paint from the paint roller.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess

liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25) perpendicular to the axis of the container to obtain an easy access to the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25).

For claim 7, note that the outer edge of the arcuate portion (Bannan, read as outer flange portion, Fig.1, #38, col.3, L.25) is a semi-circular indent (Bannan, Fig.1, #38) serving as a scraper for the paint roller so that excess liquid coating (Bannan, read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Bannan, col.2, L.45-47).

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nell (US 4,778,534) in view of Bannan (US 4,982,471) in further view of Rossborough et al (US 4,711,258), Yates (US 6,550,489) and Egan (2002/0166866) .

Nell teaches a paint roller cleaner comprising a jacket (read as cylindrical housing, Fig.1, #10, col2, L.66) having an open upper extremity (read as opening, Fig.1, #13, col2, L.65) adapted to receive a paint roller (Fig.1, col.2, L.27-28), and jacket (read as cylindrical housing, Fig.1, #10, col.2, L.66) being a very close fit around the paint roller (Fig., col.2, L.27-28), which is fully capable of removing paint therefrom. In operation, a stream of water from a garden hose (read as cleaning fluid under pressure,

col.2, L.35) enters into the jacket (read as cylindrical housing, Fig.1, #10, col.2, L.35-40).

Nell does not teach a paint roller cleaner having an outer flange portion for removing paint from the paint roller, and an external locking means for securing the paint roller in the cylindrical housing.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller. Moreover, simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious (Predictable result).

Both Nell and Bannan do not teach a paint roller cleaner having an external locking means for securing the paint roller in the cylindrical housing.

Rossborough et al teach a paint roller cleaner comprising a locating member (read as locking means, Fig.1, #4, col.2, L.36) attached on the cylindrical housing (Fig.1, #1, col.2, L.31). The locating member (read as locking means, Fig.1, #4, col.2, L.36) is a hook, which is upstanding from an outer surface of the housing (Fig.1, #1, col.2, L.31) and generally in line axially therewith (Fig.1). The locating member (read as

hook, Fig.1, #4, col.2, L.36) is formed by a wall upstanding from the outer surface of the cylindrical housing (Fig.1, #1, col.2, L.31) and curving around to join one another (Fig. 2, #4). Note that as per definition, hook is defined as a curved or angular piece of metal or other hard substance for catching, pulling, holding, or suspending something (www.dictionary.com), therefore, the locating member (read as locking means, Fig.1, #4, col.2, L.36) qualifies as a hook.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell and Bannan by adding a locking means as mentioned in Rossborough et al in order to hold the connecting arm of the paint roller in a fixed predetermined position while the cleaning process is in operation (Rossborough et al, col.1, L.58-60). It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have a hook being formed by walls in order to obtain a stronger hook structure. Although the Rossborough et al do not disclose the locating member (read as hook, Fig.1, #4, col.2, L.36) is formed by walls, the mere duplication of parts has no patentable significance since no new and unexpected result is produced. Consult, In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Nell, Bannan and Rossborough et al do not teach a paint roller cleaner further includes a pressure relief means.

Yates teaches a water parts washing apparatus recirculating a water/detergent solution and spraying same onto an object to be cleaned comprising a cleaning chamber (Fig.1 and Fig.2, #18, col.4, L.15-16) and a vent that act in a manner similar to

the function of a pressure relief valve (read as pressure relief means, Fig.2, #32, col.5, L.9-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell, Bannan and Rossborough et al by adding a pressure relief valve in order to release pressure within the chamber.

Nell, Bannan, Rossborough et al and Yates do not teach the pressure relief means includes a vent opening closed by a plug.

Egan teaches a low pressure venting valve comprising a cask (read as vent opening, Fig.3A, #30, end of paragraph [0023]) closed by a plug (Fig.3A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pressure relief valve of Yates as mentioned in Egan to obtain ease for cleaning, inserting and removing (Egan, paragraph [0008]).

Response to Arguments

Applicant's arguments filed 02 June 2008 have been fully considered but they are not persuasive. Applicant argues that a) Bannan relates to a device for cleaning a paint brush rather than a paint roller; b) Yates suggests a vent #32, which allows the escape of heated water vapor and steam. The use of the vent in this situation is consistent with the need to allow hot gases generated by using hot water to be vented. There is no teaching or suggestion contained in any of these documents that would suggest to one of ordinary skill in the art that the use of water at ambient temperature would require a pressure release vent; and c) during the operation of a paint roller cleaner is apparent that no gas is generated, and that no expansion due to temperature rises is

incorporated.

Regarding applicant's argument (a) Bannan relates to a device for cleaning a paint roller as shown in figure 3 and in the abstract. With regard to applicant's argument (b) and (c), using ambient temperature is more specific than the claims and using ambient temperature to clean a paint roller is an intended use of the apparatus, one skilled in the art would use hot water to clean the roller as well, for example, McCauley et al (US 5,539,948) teach using hot water as a cleaning solvent to clean a paint roller (col.1, L.31-33). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, steam is likely to present when hot water is used to clean a paint roller, and Yates teaches a pressure release valve for cleaning, as a result, it would have been obvious to one of ordinary skill in the art to add a pressure relief valve to a paint roller cleaner in order to release pressure within the chamber. Same apply to Egan, since steam is likely to present when hot water is used to clean a paint roller, and Egan teaches a low gas pressure valve, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pressure release valve of Egan to obtain ease for cleaning, inserting and removing (Egan, paragraph [0008]).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **STEPHEN KO** whose telephone number is (571)270-3726. The examiner can normally be reached on **Monday to Thursday, 7:30am to 5:30pm EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
/Michael Kornakov/
Supervisory Patent Examiner, Art Unit 1792